

Remarks

Claims 1-13, 16-20, 22 and 23 are pending in the application, and each was rejected. By this paper, claims 1, 8 and 13 are amended. Based on the following, consideration of the amended claims and reconsideration of the remaining claims are requested.

Claim Rejections—35 U.S.C. § 102

The Examiner rejected claims 1, 7, 22 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0168836 (Sato et al.). By this paper, claim 1 is amended to more particularly point out and distinctly claim the subject matter of the invention. In particular, amended claim 1 recites: "[a] side airbag apparatus for a vehicle, comprising: an airbag having a side aspect including a triangular portion including a rounded corner disposed toward a front of the airbag when the airbag is deployed" Applicants respectfully submit that the side aspect of the airbag taught by Sato et al. is not triangular, even if the rounded corner as claimed is considered.

In addition, amended claim 1 also recites that "the side aspect [is] least partially defined by a posterior edge, a top edge extending forward from the posterior edge, and a bottom edge," and further that "the triangular portion [is] defined by the top edge, an axis intersecting the top edge and the bottom edge and generally perpendicular to the top edge, and at least a portion of the bottom edge extending forward and upward from the axis until it meets the top edge and forms the rounded corner, such that the triangular portion substantially narrows from the axis to a front of the airbag" No such elements are expressly or inherently described in Sato et al.; therefore, Applicants submit that amended claim 1 is not anticipated by that reference. Claims 7, 22 and 23 each depend directly from amended claim 1 and contain all of the limitations of that claim as well as additional limitations that further distinguish it from the cited reference. Therefore, Applicants also submit that claims 7, 22 and 23 are not anticipated by Sato et al.

Claim Rejections—35 U.S.C. § 103

The Examiner rejected claims 2, 8, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of U.S. Patent No. 5,439,248 (Steffens, Jr. et al.). With

regard to claim 2, it depends directly from claim 1, which, as discussed in detail above, is believed to be allowable. Therefore, Applicants submit that claim 2 is also allowable. Claim 8 is amended by this paper to more particularly point out and distinctly claim the subject matter of the invention. Amended claim 8 recites an airbag apparatus for a vehicle that includes "[an] airbag having a side aspect including first and second portions, the first portion being triangular and including a rounded corner, and substantially narrowing from a back region to a front region, the second portion being generally rectangular, contiguous with the first portion and including at least one mounting hole"

Applicants submit that the combination of Sato et al. and Steffens, Jr. et al. does not teach or even suggest these limitations. For example, Steffens, Jr. et al. is relied upon for its teaching of a rear aspect, and Sato et al. does not teach or even suggest a triangular side aspect, or a side aspect of an airbag that "substantially narrows from a back region to a front region," as expressly recited in amended claim 8. Amended claim 8 therefore contains elements that are not taught or suggested by the references, alone or in combination, and Applicants submit that amended claim 8 is patentable over the cited combination.

As for claim 13, it is amended by this paper, and recites a vehicle seat that includes a side airbag apparatus having a side aspect that includes limitations that are also not taught or suggested by the cited combination. For example, amended claim 13 recites "an airbag having ... a side aspect at least partially defined by a posterior edge, a top edge extending forward from the posterior edge, and a bottom edge having a rear portion generally parallel to the top edge and a front portion extending forward and upward to intersect the top edge" Neither reference teaches or suggests such a configuration.

In addition, amended claim 13 goes on to recite that the "the side aspect includ[es] a triangular portion defined by the top edge, an axis intersecting the top edge and the bottom edge, and the front portion of the bottom edge, the triangular portion forming a rounded corner at the intersection of the top edge and the front portion of the bottom edge, and substantially narrowing from the axis to a front of the airbag" Again, the cited combination fails to teach

or even suggest such limitations. Therefore, Applicants respectfully submit that amended claim 13 is patentable over the cited combination of references.

The Examiner rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of U.S. Patent No. 7,108,278 (Kai et al.). The combination of Sato et al. and Kai et al. does not teach or suggest all of the claim limitations of either of claims 3 or 6, each of which depends directly from amended claim 1. For example, the combination of Sato et al. and Kai et al. does not teach or suggest the triangular side aspect as expressly recited in amended claim 1, and therefore, Applicants therefore submit that claims 3 and 6 are patentable over the cited combination.

The Examiner also rejected claims 4 and 5 over Sato et al. in view of U.S. Patent No. 6,344,251 (Keshavaraj et al.). Like claims 3 and 6, claims 4 and 5 each depend directly from amended claim 1; moreover, amended claim 1 contains limitations that are neither taught nor suggested by the Sato et al. and Keshavaraj et al. combination. Therefore, Applicants submit that claims 4 and 5 are patentable over the cited combination.

The Examiner further rejected claims 9, 12 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Steffens, Jr. et al. as applied to claims 2, 8, 13 and 14, and further in view of Kai et al. The Examiner also rejected claims 10, 11, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Sato et al. in view of Steffens, Jr. et al. as applied to claims 2, 8, and 13, and further in view of Keshavaraj et al. Claims 9-12 depend directly from amended claim 8, which, as discussed in detail above, is believed to be patentable over the cited references; claims 9-12 each contain all of the limitations of amended claim 8, as well as additional limitations that further distinguish them from the cited references. Therefore, claims 9-12 are also believed to be patentable. Similarly, claims 16-20 each have amended claim 13 as their base claim, and each contains all of the limitations of amended claim 13, as well as additional limitations that further distinguish it from the cited references. Therefore, claims 16-20 are also believed to be patentable.

Based on the foregoing, Applicants respectfully request allowance of each of the pending claims. The Petition fee of \$490.00 is being charged to Ford Global Technologies, LLC Deposit Account No. 06-1510 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 06-1510.

Respectfully submitted,

Leonard Shaner et al.

By /Marc F. Malooley/

Marc F. Malooley

Reg. No. 50,624

Attorney/Agent for Applicant

Date: 26 May 2009

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351